



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

REQUEST FOR REFUND

Application Number
10/070,665

Filing Date
December 16, 2002

Docket Number:
2653/56

Examiner
Seetharam

Art Unit
1642 OFFICE

Invention Title
**POLYSIALIC ACID-KLH CONJUGATE
VACCINE**

Inventor(s)
LIVINGSTON, et al.

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the
United States Postal Service with sufficient postage as first class mail in an envelope
addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-
1450 on November 9, 2005

By:

Joseph A. Coppola
Joseph A. Coppola (Reg. No. 68,413)

Sir:

On September 22, 2005, Applicants mailed to the Patent Office a Response to Restriction Requirement for the above-identified patent application. Applicants erroneously paid the large entity fee of \$2,160.00 for a five-month extension of time in responding to the Restriction Requirement. The small entity fee of \$1,080.00 for the five-month extension of time is the appropriate fee associated with this filing. (Applicants paid small entity fees previously in this application.)

It is respectfully requested that the overpaid sum of \$1,080.00 be refunded and credited back to the deposit account of Kenyon & Kenyon, Deposit Account No. 11-0600.

A duplicate of this letter is enclosed.

Respectfully submitted,

Date: November 9, 2005

By:

Joseph A. Coppola
Joseph A. Coppola, Reg. No. 38,413

KENYON & KENYON
One Broadway
New York, N.Y. 10004
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CUSTOMER NO. 26646

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Docket No.: 2653/56

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Livingston et al.
SERIAL NO. : 10/070,665
FILED : December 16, 2002
FOR : POLYSIALIC ACID-KLH CONJUGATE VACCINE
EXAMINER: Seetharam
GROUP ART UNIT : 1642
CUSTOMER NO. : 26646

Mail Stop: Amendment
COMMISSIONER FOR PATENTS
P.O. BOX 1450
Alexandria, VA 22313-1450

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Mail Stop: Amendment
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
Date: September 22, 2005 Reg. No. 38,413
Signature: *Joseph A. Coppola*
Joseph A. Coppola

RESPONSE TO RESTRICTION REQUIREMENT

SIR:

In response to the Office Action dated March 22, 2005, containing a
Restriction Requirement, please consider the following remarks. Enclosed herewith is
a Petition for the Extension of Time.

09/28/2005 DEMMANU1 00000002 110600 10070665

01 FC:1255 2160.00 DA

Adjustment Date: 12/20/2005 SDIRETA1
09/28/2005 DEMMANU1 00000002 110600 10070665
01 FC:1255 2160.00 CR

NY01 982088 v1

12/20/2005 SDIRETA1 00000002 110600 10070665

01 FC:2255 1080.00 DA

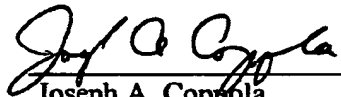
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The Applicants hereby also make a Conditional Petition for any relief available to correct any defect seen in connection with this filing, or any defect seen to be remaining in this application after this filing. The Commissioner is authorized to charge Kenyon & Kenyon's Deposit Account No. 11-0600 for any fees associated with such Conditional Petition.

Respectfully submitted,

Date: September 22, 2005

BY:


Joseph A. Coppola
Reg. No. 38,413

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